

HOUSE BILL REPORT

SSB 6591

As Reported by House Committee On: Judiciary

Title: An act relating to complaints filed with the human rights commission.

Brief Description: Revising the procedure for complaints filed with the human rights commission.

Sponsors: Senate Committee on Judiciary (originally sponsored by Senators Kline, Berkey, Gordon, Keiser and Prentice).

Brief History:

Committee Activity:

Judiciary: 2/17/10, 2/22/10 [DP].

Brief Summary of Substitute Bill

- Revises the duties of the Human Rights Commission in reviewing and investigating complaints alleging discrimination under the Washington Law Against Discrimination.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 10 members: Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Kelley, Kirby, Ormsby, Roberts, Ross and Warnick.

Staff: Edie Adams (786-7180).

Background:

The Washington Law Against Discrimination (WLAD) provides that every person has a right to be free from discrimination based on race, creed, color, national origin, sex, veteran or military status, sexual orientation, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal. This right applies to employment, public accommodations, real estate transactions, credit transactions, insurance,

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and commerce. Additionally, discrimination on the basis of age, marital status, or family with children status is prohibited in some circumstances.

To effectuate the right to be free from discrimination, the law defines certain practices as being unfair. For example, the WLAD provides that it is an unfair practice to engage in a number of discriminatory actions in the context of real estate transactions, including discrimination in the sale or leasing of housing or financial transactions relating to housing.

The Human Rights Commission (Commission) is responsible for administering and enforcing the WLAD. Any person claiming to be subject to an unfair practice may file a complaint with the Commission. The complaint must be submitted under oath or by declaration and must state the particulars of the alleged unfair practice. The Commission must investigate all complaints it receives and issue written findings of the results of the investigation.

If the Commission finds that there is reasonable cause to believe discrimination has occurred, it must first try to eliminate the unfair practice via conference and conciliation. If the parties do not reach an agreement, the Commission must appoint an administrative law judge to hear the complaint through a formal hearing process.

Summary of Bill:

The review and investigation requirements for complaints alleging discrimination, other than discrimination in real estate transactions, are changed. Upon receipt of a complaint, Commission staff must first review and evaluate the complaint. If the complainant has limitations related to language proficiency or a cognitive impairment, Commission staff must contact the complainant directly and make appropriate inquiries regarding the facts of the complaint.

If the facts as stated in the complaint do not constitute an unfair practice under the WLAD, a finding of "no reasonable cause" may be made without further investigation. If the facts stated in the complaint could constitute an unfair practice, then the Commission staff must conduct a full investigation and ascertainment of the alleged facts.

For complaints alleging discrimination in a real estate transaction, the Commission must continue to conduct a full investigation and ascertainment of the facts alleged in the complaint.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This bill will allow the Commission to operate more efficiently. Current procedures require all cases to receive an investigation, regardless of merit. The bill allows the Commission to close a case without going through all the steps of a full investigation if the facts in the complaint do not constitute a violation of the law. This will allow us to concentrate most of our resources on those cases that have merit. The process will still include safeguards for the complainant, including review of cases by lead staff and the right to request reconsideration. Staff will be trained on how to implement this new system and there is no cost associated with this change.

(Opposed) None.

Persons Testifying: Senator Kline, prime sponsor; and Laura Lindstrand, Washington State Human Rights Commission.

Persons Signed In To Testify But Not Testifying: None.